Von: **Klaus Zinser** klauszinser@posteo.eu
Betreff: In Brüssel - Re: Petition 1229/2013 - erneute Anhörung - Ich werde ab dem 02.12.2015 ca 12:00 in Brüssel sein
Datum: 2. Dezember 2015 um 11:18
An: WIELAND Rainer rainer.wieland@europarl.europa.eu, peter.jahr@europarl.europa.eu



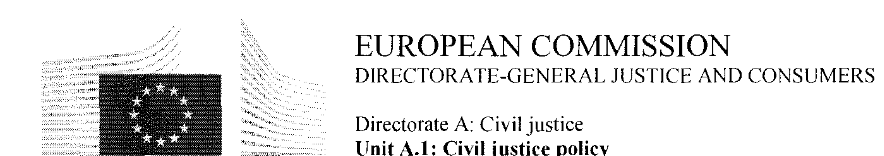
Sehr geehrte Damen, sehr gehrte Herren,

ich bin jetzt in Brüssel. Meine Mobilnummer: +49-171-

Mit freundlichem Gruss,
Klaus Zinser

Am 24.11.2015 um 09:16 schrieb Klaus Zinser

> Sehr geehrte Damen (ihre Mitarbeiter), sehr geehrte Herren,
>
> der letzte Stand zu meiner Petition 1229/2013 ist:
> https://archive.org/details/20141111BrusselsPetition12292013KZCompleteEN
>
> Sofern - was zu vermuten ist - von der EU Kommission bis heute keine Aktivitäten (‚Letter to UK') eingeleitetet worden sind dann würde ich gerne wissen was das PETI Sekretariat seit dem 11.11.2014 unternommen hat.
>
> Der Fall sollte jetzt nach Luxemburg an den Europäischen Gerichtshof (CJEU)
> (1) wegen Verletzung von EC2001/2003 durch UK und
> (2) einer weiteren Vertragsverletzung durch UK wegen Vertragsverletzung/Nichtvorlage für ein Preliminary Ruling (siehe Anhang).
>
> Mit freundlichem Gruss,
> Klaus Zinser
>
> Mit freundlichem Gruss | Best regards | Salutations
>
> <20150907_Shotter_Vaderkerkhove_4037066 Zinser August 2015.pdf>
> <20150723_CourtOrder_McFarlane_AppealFor_ECJ_LuxemburgRejected_DOC010_OCR.pdf>



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate A: Civil justice
Unit A.1: Civil justice policy

Brussels, 7/9/2015
just.a.1(2015)4037066

Mr Klaus Zinser
Hauptstrasse 8
88427 Bad Schussenried
Germany
klauszinser@posteo.com

Re: Your query submitted via the Commission's official website for complaints

Dear Mr Zinser,

I reply to your message sent to the European Commission on 6 August 2015 concerning the alleged infringement of EU law by the UK authorities.

You claim that in the course of the parental responsibility proceedings in which you are involved the UK courts infringed EU law by not transferring the proceedings concerning the custody and access rights of your son to the European Court of Justice. In particular, you criticize that the courts on purpose did not inform you that your case should be transferred to the European Court of Justice in accordance with the Article 267 of the Treaty.

I must inform you that under the Treaty of the European Union and the Treaty on the Functioning of the European Union, the European Commission can intervene in individual cases only where national authorities, including courts, either discharged an obligation under EU law or did not grant judicial protection regarding rights conferred by the Union's legal order.

As regards the procedure foreseen in Article 267 of the Treaty, I would like to inform you that the reference for a preliminary ruling is a procedure which enables national courts to submit a question to the Court of Justice on the interpretation or validity of European law. The reference of a preliminary ruling is therefore not a recourse taken against a decision taken by the national courts, but a question presented by national courts on the interpretation of European law.

The elements you criticise in your complaint relate to the substantive family and procedural law of the UK or concern the practical application of such laws by the UK courts.

European Commission, B-1049 Brussels - Belgium. Phone: (32-2) 299 11 11.
Office: MO59 2/68. Phone: direct line (32-2) 29 56567 Fax: (32-2) 2996457. E-mail: just-civil-coop@ec.europa.eu

Since your case is not concerned with the application of a specific EU instrument and therefore no question on the interpretation of an EU instrument arose, we see no failure on the part of the UK courts to comply with Article 267 TFEU. As a result, the European Commission cannot be of any assistance in your dispute. This means that redress must be pursued at the national level through the competent national fora (including courts), by using all available remedies.

If, once all the domestic remedies have been exhausted, you still believe that your fundamental rights were not respected in the proceedings, you have a possibility to lodge a complaint with the European Court of Human Rights. For your information, I let you know that the Court can be contacted at the following address:

European Court of Human Rights
Council of Europe
67075 Strasbourg - Cedex
France
Tel: +33 3 88 41 20 18
Fax: +33 3 88 41 27 30

I hope this information is useful to you.

Yours sincerely,

pp.

Michael Shotter
Head of Unit

FORM 269B1



IN THE COURT OF APPEAL, CIVIL DIVISION



REF: **B4/2015/2225**

Re M (A Child) –v–

ORDER made by the Rt. Hon. Lord Justice McFarlane

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal against the decision of Ms Alison Russell QC of 7th June 2013.

Decision: Refused, as being totally without merit and the applicant may not request the decision to be reconsidered at an oral hearing.

The application for an extension of time and the application for permission to appeal on the basis that each of these applications is 'totally without merit'.

Reasons

1. The time period during which the Rules permit an appeal to be lodged against a decision of the High Court is 21 days. This application is made over two years after the judge made her order. The only justification for this very substantial delay offered by the Applicant is that "I was not aware that there is no time limit at the Courts of Appeal. This was explained to me by my McKenzie Friend at the last last hearing on 8th May 2015. This is why I am now making this application out of time" [sic].

2. The explanation offered in no manner explains the delay. The fact that the Applicant may not have known that there was a time limit does not explain why he did not appeal within a short time of the order or why he has waited over 2 years (and presumably would have continued to wait had not his McKenzie friend spoken to him) before appealing. It does not even explain why over two months were allowed to elapse between getting information about the 21 day limit on 8th May and lodging his Notice of Appeal on 13th July.

3. In addition, it is apparent that the Applicant had a live application for permission to appeal against an earlier order of Parker J before this court in 2013. This was adjourned by Ryder LJ on 21st October. Despite his engagement with the Court of Appeal in the autumn of 2013, the Applicant did not file a Notice of Appeal against the June 2013 at that time. Further, the Applicant was specifically advised in a letter from the Clerk to Ryder LJ dated 13th January 2014 that if he wished to challenge matters subsequent to the decision of Parker J he would have to make a further appeal, yet the Applicant, even at that already late stage, took no action.

4. There is absolutely no justification for extending the time limit in order to permit this application for permission to appeal to proceed so long after the event.

5. In so far as it is possible to understand the proposed Grounds of Appeal they would seem to relate to matters and applications which were not raised before Ms Russell. In any event, it is impossible to detect any viable grounds of appeal in the 'Grounds of Appeal' that have been submitted. There is no prospect at all of the proposed appeal succeeding.

Information for the parties: This decision is final.

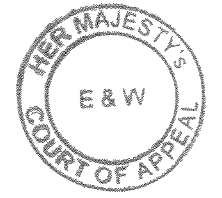
Where the Court of Appeal refuses permission to appeal without a hearing, it may, if it considers that application is totally without merit, make an order that the person seeking permission may not request the decision to be reconsidered at a hearing (see CPR 52.3(4A)(a)). Such an order has been made in this case. The appellant is therefore unable to request that an oral hearing be arranged.

The application for permission to appeal to this Court has been refused. No appeal may be made against this decision to the Supreme Court of the United Kingdom: see S54(4) of the Access to Justice Act 1999.

The Parties have exhausted the domestic appellate process.

Signed:
Date: 23rd July 2015

Case Number: B4/2015/2225



By the Court

DATED 23RD JULY 2015
IN THE COURT OF APPEAL

ORDER

Copies to:

Applicant/Appellant (in person)

Respondent (in person)

Jeremy Ford Lawyer
Cafcass Legal
6 Sanctuary Buildings
Greta Smith Street
London
SW1P 3BT

Lower Court Ref: FD12P000640